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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of: Greene et al.

U.S. Patent No.: 5,203,267

Issued: April 20, 1993

Filing Date: April 19, 1995

Title: METHOD AND APPARATUS FOR  
DISPOSING OF WASTE MATERIAL

Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

**JOINT REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY**

We, Ralph F. Greene and Patrick C. Malone, hereby declare that:

1. Our residences, post office addresses and citizenship are as stated below next to our names.
2. We believe that we are the original, first and joint inventors of the subject matter which is described and claimed in United States Patent No. 5,203,267 (the '267 Patent) entitled "Method and Apparatus For Disposing of Waste Material," granted on April 20, 1993, and in the foregoing specification for which invention we solicit a reissue patent.
3. We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims.
4. We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

5. We verily believe that the '267 Patent is partly inoperative by reason of our claiming less than we had the right to claim in the patent. The insufficiency of the claims is shown below.

6. We seek to broaden the scope of the independent claims in the reissue application. This request is filed within two years of the date of issue of the '267 Patent as required by 35 U.S.C. § 251.

7. Amendment to Claim 1. Claim 1 has been amended to remove the last element in the claim, which reads:

a liquid filter for capturing said particulate matter contained in said fired exhaust and for chemically treating said fired exhaust gases to reduce the quantity of CO, NO and SO contained in said fired exhaust.

(Hereinafter the liquid filter element.)

8. The liquid filter element in Claim 1 is not required to define a waste disposal apparatus that is patentable over the prior art to the '267 Patent. Claim 1, as amended, includes "a first combustion chamber for incinerating waste material in an oxygen rich atmosphere . . ." and "a second combustion chamber for firing said exhaust . . . in an oxygen starved atmosphere[.]" The prior art to the '267 Patent and the references in the Information Disclosure Statement filed herewith do not disclose, suggest, or render obvious the waste disposal apparatus in Claim 1. Prior art disposal systems use a first combustion chamber having an oxygen starved atmosphere and a second combustion chamber having an oxygen rich atmosphere that is the exact opposite of our novel waste disposal apparatus. Our invention of using an oxygen rich atmosphere in the first chamber allows for a rapid and more complete burn of the waste material than provided for in prior art systems.

9. During prosecution of the '267 Patent, the Examiner stated that the oxygen rich and deficient combustion stages of our then pending claims were well known in the art. We are not aware of any reference that teaches our claimed structure nor did the Examiner ever provide us with a reference to support this assertion.

10. During prosecution of the claims in the '267 patent, we mistakenly believed that the liquid filter element, in combination with the first and second combustion chamber in Claim 1, was necessary to define over the prior art. We were mistaken in our belief because prior to our invention, it was not known to use an oxygen rich first combustion chamber and an oxygen starved second combustion chamber as defined in proposed Claim 1. The liquid filter element in Claim 1, therefore, is not required to define patentable subject matter. This misunderstanding on the patentability on the remaining elements in Claim 1 arose without any deceptive intention on our part and arose because we failed to appreciate that the claims did not embrace the full scope of our invention.

11. New Claim 19. New Claim 19 contains the subject matter of the liquid filter element of Claim 1 written in dependent form.

12. Amendment to Claims 11, 12, 13, 14, and 18. Claims 11, 12, 13, and 18 are amended to change their dependency from Claim 1 to new Claim 19. Since the liquid filter element in Claim 1 is removed from Claim 1 and placed in new Claim 19, Claims 11, 12, 13, 14, and 18 are amended to maintain proper claim dependency.

13. Amendment to Claim 15. Claim 15 has been amended to remove the last element in the claim which reads:

liquid filter means for capturing said particulate matter contained in said fired exhaust for chemically treating fired exhaust gases to reduce CO, NO, and HCL and SO<sub>2</sub> contained in said fired exhaust.

(Hereinafter the liquid filter means element.)

14. The amendment to Claim 15 is similar to the amendment to Claim 1. The remaining elements in Claim 15 are patentable over the prior art as the prior art does not disclose a waste disposal system having an oxygen rich first combustion means and an oxygen poor second combustion means. During prosecution of the application for the '267 Patent, we mistakenly believed that the liquid filter means element, in combination with the first and second combustion means in

Claim 15, was required to define over the prior art. We were mistaken in our belief because prior to our invention, it was not known to use an oxygen rich first combustion means and an oxygen starved second combustion means as defined in proposed Claim 15. The liquid filter means element in Claim 15, therefore, is not required to define patentable subject matter. This mistake as to the patentability of the remaining elements in Claim 15 arose without deceptive intention on our part and arose because we failed to appreciate that the claims did not embrace the full scope of our invention.

15. New claim 20. New Claim 20 includes the subject matter of the liquid filter means element of Claim 15 written in dependent form.

16. We hereby appoint, both jointly and severally, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys, their registration numbers being listed after their names:

Jerry W. Mills	Reg. No. 23,005
Robert M. Chiaviello, Jr.	Reg. No. 32,461
Ann C. Livingston	Reg. No. 32,479
Kevin J. Meek	Reg. No. 33,738
William N. Hulsey III	Reg. No. 33,402
Thomas R. Felger	Reg. No. 28,842
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Robert H. Johnston III	Reg. No. 37,364
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Barton E. Showalter	Reg. No. 38,302
David G. Wille	Reg. No. 38,363
Rodger L. Tate	Reg. No. 27,399
Scott F. Partridge	Reg. No. 28,142
James G. Gatto	Reg. No. 32,694

16. All correspondence and telephone communications should be addressed to Baker & Botts, L.L.P., 2001 Ross Avenue, Dallas, Texas 75201-2980, telephone number (214) 953-6500, which is also the address and telephone number for each of the above-listed attorneys.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

4-19-95  
Date

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